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Paper No. 5

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In re Application of  
Ogawa, et al.  
Application No. 09/910,102  
Filed: July 20, 2001  
Attorney Docket No. 450104-3165.1

**OFFICE OF PETITIONS**  
DECISION GRANTING  
PETITION

This is a decision on the petition entitled, "PETITION TO REQUEST A GRANT TO MAINTAIN ORIGINALLY ACCORDED FILING DATE," filed August 23, 2001 (certificate of mailing date August 20, 2001), requesting that the above-identified application be accorded a filing date of July 20, 2001.

The application was deposited on July 20, 2001. On August 6, 2001, the Office of Initial Patent Examination mailed a "Notice of Omitted Items in a Nonprovisional Application" informing petitioners that drawing Figures 14 and 16 were missing. The Notice set a two month nonextendable period for reply from the August 6, 2001 mailing date of the Notice.

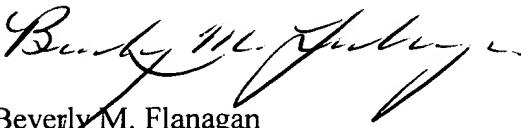
In response to the Notice, petitioners timely filed the present petition on August 23, 2001. Petitioners request a filing date on the basis that the entire application, including the missing Figures 14 and 16, was received in the Patent and Trademark Office (PTO) on July 20, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office generated barcode showing July 20, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 19 sheets of drawings

The return postcard constitutes *prima facie* evidence that this application, including Figures 14 and 16, was filed on July 20, 2001. MPEP 503. Accordingly, the request is granted.

As this is a feeless petition, petitioners may request a refund of the \$130.00 fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

The application is being returned to Office of Initial Patent Examination for mailing of a corrected filing receipt and correction of Office records to show the filing date of the application as July 20, 2001. Because the original drawings of Figures 14 and 16 filed July 20, 2001 cannot be located in the Office, the copy of Figures 14 and 16, filed August 23, 2001, will be used for processing purposes.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy